

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HOME INSTEAD, INC., a Nebraska Corp.;

Plaintiff,

vs.

DAVID FLORANCE, MICHELLE  
FLORANCE, FRIEND OF A FRIEND, INC.,

Defendants.

**8:12CV264**

**MEMORANDUM AND ORDER**

After conferring with counsel on the record,

- 1) The plaintiff's objection to defendant's Notice of Compliance, (Filing No. 134), is granted in part as set forth in the audio file today's conference, (Filing No. 137).
- 2) The defendants motion for extension of time and to continue the case progression schedule, (Filing No. 123), is granted as follows:
  - a. The unexpired case progression deadlines, including the trial and pretrial conference settings, are set aside pending further order of the court.
  - b. On or before January 21, 2014, the defendants shall supplement their written discovery responses in accordance with the court's rulings and the parties' agreements entered on the record, (see, Filing No. 137), during today's hearing.
  - c. If after reviewing the audio file, the parties have any remaining discovery questions, or if new questions arise, defense counsel shall bring those issues to the court's attention immediately, and no later than January 10, 2014, to set a conference call on the questions or issues in dispute.
  - d. As to setting a new progression schedule, on or before February 11, 2014, the parties shall either: 1) file an abbreviated Rule 26(f) report (a copy of which is attached) for setting new case deadlines; or 2) send an email (copied to all parties) to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov) which outlines the parties' proposed case progression deadlines; or 3) contact my chambers at (402) 437-1670 to set a conference call for discussing case progression.

December 23, 2013.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

Plaintiff,  
vs.

Defendant.

**ABBREVIATED  
RULE 26(F) REPORT**

The following attorneys conferred to prepare the Report of Parties' Planning Conference for the above-captioned case:

(Identify, for each party, the counsel who participated in preparing the Rule 26(f) Report).

The parties discussed the case and jointly make the following report:

- 1) Experts.
  - a) If expert witnesses are expected to testify at the trial, counsel agree to at least identify such experts, by name and address, (i.e., without the full reports required by Rule 26(a)(2)), by \_\_\_\_\_.
  - b) Experts and, unless otherwise agreed, expert reports shall be served by \_\_\_\_\_. Note: The parties may agree on separate dates for the plaintiff(s) and the defendant(s).
  - c) Motions to exclude expert testimony on Daubert and related grounds will be filed by \_\_\_\_\_.
- 2) Depositions, whether or not they are intended to be used at trial, will be completed by \_\_\_\_\_.
- 3) Motions to dismiss and/or for summary judgment will be filed by \_\_\_\_\_.

- 4) This case will be ready for trial before the court by: (month, year) , and the estimated length of trial is \_\_\_\_\_ days.

Dated: \_\_\_\_\_

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Counsel for Plaintiff(s)

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Counsel for Defendant(s)

### **CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: \_\_\_\_\_, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: \_\_\_\_\_.

s/\_\_\_\_\_